



U.S. Citizenship
and Immigration
Services

File: [REDACTED] Office: VERMONT SERVICE CENTER

Date: 07-24-04

IN RE:

Petitioner: [REDACTED]

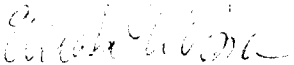
Beneficiary: [REDACTED]

Petition: Immigrant Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

IN BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a church. It seeks to classify the beneficiary as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(4), to perform services as a church organist. The director found that the petitioner failed to establish the proposed position is a traditional religious occupation, that it requires special training, and that the position is recognized in the denomination. The director further found that did not have the requisite two years of full-time experience as a church organist prior to the filing of the petition.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, “[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.”

On the Form I-290B Notice of Appeal, filed on May 15, 2003, counsel for the petitioner indicated that a brief would be forthcoming within sixty days. To date, over one year later, a review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

The statement contained on the Form I-290B reads simply:

Motion to reopen based upon compelling new evidence not previously available, and if considered would reverse [the director’s] decision.

Brief/statement to be submitted will include factual as well as legal evidence in support of petitioner’s application.

As counsel does not assert that the director’s findings were incorrect or based on an erroneous conclusion of law, the petitioner has not overcome any of the director’s findings. No further evidence has been submitted on appeal.

Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is dismissed.